

**FILED**

September 26, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

BY: SL  
DEPUTY

**THE UNITED STATES OF AMERICA**

**v.**

**CLINTON FINCH HERZOG,**

*Defendant.*

**CRIMINAL NO. 1:23-CR- 168-DH**

**INFORMATION**

**[Count 1–18 U.S.C. § 1343–Wire fraud]**

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**COUNT ONE**

**Wire fraud**

**[18 U.S.C. § 1343]**

**THE SCHEME**

1. From on or about 2016 to on or about May 2018, defendant CLINTON FINCH HERZOG devised and intended to devise a scheme to defraud investors in his dental management business for his personal use, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

**MANNER AND MEANS**

2. It was part of the scheme that:
  - a. HERZOG entered into agreements with investor groups and individual investors in which, among other things, those investors agreed to make capital investments in limited liability companies that were to manage dental practices in exchange for membership interests in those limited liability companies.
  - b. In those agreements, HERZOG promised, among other things, that:
    - i. The relevant limited liability company would maintain its own bank accounts;
    - ii. The relevant limited liability company would not commingle its assets with those of any other person; and

iii. The relevant limited liability company would maintain an arm's length relationship with its members.

c. HERZOG violated each of these agreements—and others—as he routinely commingled investor funds with his personal funds and then diverted investor funds for his personal use, including by using those funds for expensive meals, airline tickets and travel expenses, liquor, and jewelry.

3. On or about the date set forth below, in Austin, Texas, in the Western District of Texas, defendant CLINTON FINCH HERZOG, for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below.

Count	Date	Description of Wire Transmission
One	April 2, 2018	Wire transfer in the amount of \$10,000 from an account at USAA Savings Bank, involving an exchange of electronic communications between Federal Reserve facilities in New Jersey and Texas, on behalf of investor C.H., and deposited into a JPMorgan Chase Bank account in the Western District of Texas

All in violation of 18 U.S.C. § 1343.

JAIME ESPARZA  
UNITED STATES ATTORNEY

BY: /s/ Gabriel Cohen  
GABRIEL COHEN  
Assistant U.S. Attorney